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 Goyard St-Honore*

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

GOYARD ST-HONORE, a French
 Corporation,

Plaintiff,

vs.

S2, INC., a Delaware Corporation;
 SURGEON WORLDWIDE INC., a
 Delaware Corporation; DOMINIC
 CHAMBRONE aka DOMINIC
 CIAMBRONE, an individual; and
 DOES 1-10, inclusive,

Defendant.

CASE NO.: 2:24-cv-04903

**COMPLAINT FOR DAMAGES AND
 EQUITABLE RELIEF**

1. TRADEMARK INFRINGEMENT

**2. FALSE DESIGNATION OF
 ORIGIN AND FALSE
 DESCRIPTIONS**

**3. UNFAIR COMPETITION IN
 VIOLATION OF CAL. BUS. &
 PROF. CODE, § 17200, et seq.**

**4. COMMON LAW TRADEMARK
 INFRINGEMENT AND UNFAIR
 COMPETITION**

JURY TRIAL DEMANDED

Plaintiff Goyard St-Honore (“Goyard” or “Plaintiff”) for its claims against
 defendants S2, Inc.; Surgeon Worldwide Inc.; and Dominic Chambrone aka Dominic
 Ciambrone; and DOES 1-10 (collectively, “Defendants”) alleges as follows:

JURISDICTION AND VENUE

1. Plaintiff files this action against Defendants for trademark infringement
 and false designation of origin under the Lanham Trademark Act of 1946, 15 U.S.C. §
 1051 et seq. (the “Lanham Act”), and related claims of trademark infringement and

1 unfair competition under the statutory and common law of the State of California.

2 2. This Court has subject matter jurisdiction over Plaintiff's Lanham Act
3 claims under 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a), and supplemental
4 jurisdiction over Plaintiff's state and common law claims under 28 U.S.C. § 1367(a)
5 because those claims are so related to Plaintiff's federal claims that they form part of
6 the same case or controversy and derive from a common nucleus of operative facts.

7 3. This Court has personal jurisdiction over Defendants because, upon
8 information and belief, Defendants reside and maintain a principal place of business in
9 the State of California and conduct continuous and systematic business in this State.
10 Defendants also placed the Accused Products (as defined below) in the stream of
11 commerce directed to residents of the State of California, thereby deriving commercial
12 benefits from the sale of Accused Products there and caused injury to Plaintiff within
13 the State of California.

14 4. Venue is proper under 28 U.S.C. §§ 1391 (b)-(c) because a substantial part
15 of the events or omissions giving rise to the claims alleged herein occurred in this
16 judicial district and Defendants reside in this District.

17 **THE PARTIES**

18 5. Goyard is a foreign business entity organized under the laws of the
19 Republic of France with its principal place of business located at 16 place Vendôme in
20 Paris, France 75001.

21 6. Upon information and belief, S2, Inc. ("S2") is a Delaware Corporation,
22 with a principal place of business located at 119 W 36th Place, 106, Los Angeles, CA
23 90007.

24 7. Upon information and belief, Surgeon Worldwide Inc. ("Surgeon
25 Worldwide") is a Delaware Corporation that is registered to do business in the State of
26 California, with a principal place of business located at 17595 Harvard Avenue C552,
27 Irvine, CA 92614, and another office located at 3855 S Hill Street, Los Angeles, CA
28 90037.

1 8. Upon information and belief, Dominic Chambrone aka Dominic
2 Ciambrone (“Mr. Chambrone”) is the owner, officer, director, operator, and controlling
3 force of S2 and/or Surgeon Worldwide, and resides in Los Angeles, California.

4 9. Upon information and belief, S2, Surgeon Worldwide, and/or Mr.
5 Chambrone do business as “The Shoe Surgeon” in the State of California as well as
6 nationwide through their online website, www.thesurgeon.com.

7 10. Upon information and belief, Defendants also operate their business at
8 4000 Broadway Place, Los Angeles, CA 90037.


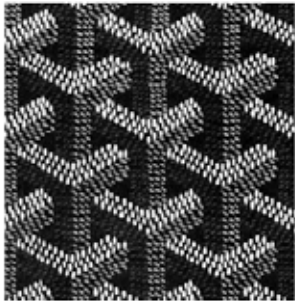
9 11. Goyard is unaware of the names and true capacities of Defendants, whether
10 individuals, corporate and/or partnership entities, named herein as DOES 1 through 10,
11 inclusive, and therefore sues them by their fictitious names. Goyard will seek leave to
12 amend this complaint when their true names and capacities are ascertained. Upon
13 information and belief, each one of Defendants caused or are in some manner
14 responsible for causing the wrongful acts alleged herein, and that at all relevant times
15 each one was the agent, servant, and/or employee of the other Defendants acting within
16 the course and scope of said agency, service, and employment.



17 12. Upon information and belief, at all relevant times herein, each one of
18 Defendants knew or reasonably should have known of the wrongful acts and behavior
19 alleged herein and the damages caused thereby, ratified, and encouraged such acts and
20 behavior, and/or had a non-delegable duty to prevent such acts and behavior but failed
21 or refused to do so.

22 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

23 **A. The Goyard Brand and Trademarks**

24 13. Goyard is the owner of all rights in and to the following trademarks, which
25 are valid and registered on the Principal Register of the United States Patent and
26 Trademark Office (collectively the “Goyard Marks”):
27
28

Goyard's Mark	U.S. Reg. No.	Reg. Date	Relevant Goods/Services
	4,036,898	10/11/11	025: Clothing for men, women and children, namely, dresses, skirts, petticoats, culottes, ladies' suits, trousers, shorts, Bermuda shorts, swimming drawers, shirts, ladies' shirts, blouses, tee-shirts, sweatshirts, waistcoats, jackets, cardigans, pullovers, sweaters, parkas, anoraks, coats, gaberdines, raincoats, furs, sashes for wear, shawls, scarf, gloves, neckties, belts, socks, stockings, tights, underwear, pajamas, dressing gowns, swimsuits, bathrobes; footwear, except orthopedic footwear, namely, shoes, sandals, boots, half-boots, boot liners, slippers; hats, berets, caps.
	5,753,841	5/21/19	025: Clothing, namely, suspenders, belts, neckties, socks, shawls, sashes for wear, scarves, gloves, bathing suits, bath robes, pocket squares; clothing, namely, footwear, sandals, boots, slippers; headwear, namely, hats, berets, caps

Goyard's Mark	U.S. Reg. No.	Reg. Date	Relevant Goods/Services
	3,418,288	4/29/08	018: Bags and traveling sets, namely, traveling bags; garment bags for travel; luggage trunks; valises, vanity cases sold empty, rucksacks, handbags, beach bags, school bags; suitcases, briefcases, pocket wallets, purses, not of precious metal, leather key cases; business card cases; umbrellas, parasols, walking sticks
	5,532,309	8/7/18	025: Clothing, namely, suspenders, belts being clothing, neckties, socks, shawls, sashes for wear, scarves, gloves, bathing suits, bath robes, pocket squares being clothing; footwear, namely, sandals, boots, slippers; headgear, namely, hats, berets, caps being headwear.

Goyard's Mark	U.S. Reg. No.	Reg. Date	Relevant Goods/Services
<p>GOYARD</p>	<p>1,821,224</p>	<p>2/15/94</p>	<p>016: Office requisites; namely, agendas and spare sheets therefor, repertories, desk pads, pen holders, stamp boxes for the storage of postage stamps, writing pads, address pads, pencil jars for desk use, blotters, ink wells, paper cutters, mail trays for desk use, note books, check cases and pen cases</p> <p>018: Articles of fancy leather, leather, cloth and skin articles; namely, valises, travel trunks, cosmetic cases sold empty, traveling bags, handbags, briefcases, attache cases, briefcase type document cases, toilet cases sold empty, makeup cases sold empty, wallets, hat boxes for travel, business card cases, key cases, draw string pouches, garment bags for travel, necktie cases, umbrellas, saddlebags, saddle covers, and articles for dogs; namely, dog collars, dog leashes, dog clothes and carrying bags.</p>

14. Attached hereto as **Exhibits A-E** are true and correct copies of the trademark registrations identified in paragraph 13 of this Complaint, which are incorporated herein by reference. Such registrations are valid, subsisting, in full force and effect, and incontestable, thus serving as conclusive evidence of the validity of the Marks and as conclusive evidence of Plaintiff's exclusive right to use the Marks in connection with the identified products under Sections 15 and 33(b) of the Lanham Act, 15 U.S.C. §§ 1065, 1115(b).

1 15. Goyard is, in part, engaged in the business of manufacturing and
2 distributing throughout the world, including within this District, a variety of luxury and
3 high quality luxury goods under multiple world famous common law and federally
4 registered trademarks, including those identified in Paragraph 13. Goyard's products
5 are immediately recognized by the use of the Goyard Marks, which are incorporated
6 into its iconic Goyardine Canvas.

7 16. Goyard has used the Goyard Marks for more than a century, including use
8 for decades in United States commerce, and long before Defendants' use of copies of
9 the Marks. Today, the Goyard Marks are reproduced on millions of dollars' worth of
10 consumer goods spanning the full range of Goyard's product line, such as handbags,
11 wallets, luggage, and other leather goods. Products bearing the Goyard Marks are sold
12 in Goyard boutiques throughout the world, including within this District, as well as
13 through authorized resellers on the Internet. Accordingly, the Goyard Marks have been
14 used to identify and distinguish Goyard's high quality goods for an extended period of
15 time.

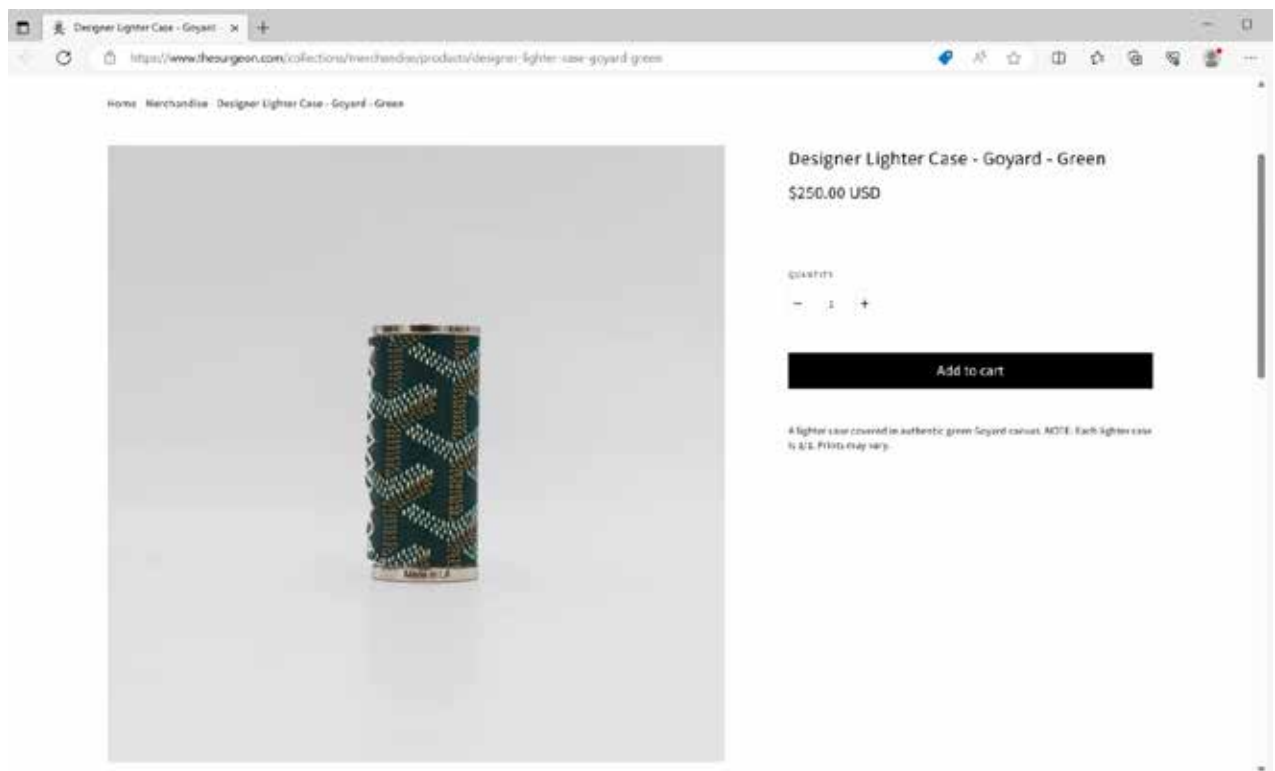
16 17. The Goyard Marks are symbols of Goyard's quality, reputation and
17 goodwill and have never been abandoned. Goyard has carefully monitored and policed
18 the use of the Goyard Marks.

19 18. Further, Goyard has expended substantial resources developing and
20 otherwise promoting the Goyard Marks. Goyard extensively uses and promotes the
21 Goyard Marks in the United States in association with the sale of high quality goods.
22 As a result of Goyard's efforts, as well as numerous fashion editorial and press coverage
23 of Goyard featuring the Goyard Marks, members of the consuming public readily
24 identify merchandise bearing or sold under the Goyard Marks as being high quality
25 goods sponsored and approved by Goyard. Goyard generates millions of dollars in
26 annual revenue from sales of its products featuring the Goyard Marks. Accordingly,
27 the Goyard Marks have become source identifiers of high quality luxury goods
28 originating from Goyard.

19. Genuine goods bearing the Goyard Marks are legitimately promoted by Goyard and unrelated third parties via the Internet, including on www.goyard.com. Visibility on the Internet, particularly via Internet search engines such as Google, Yahoo! and Bing have become increasingly important to Goyard's overall marketing and consumer education efforts. Thus, Goyard expends significant monetary resources on Internet marketing and consumer education, including search engine optimization ("SEO") strategies. Those strategies allow Goyard and its authorized retailers to fairly and legitimately educate consumers about the value associated with the Goyard brand and the goods sold thereunder.

B. Defendants' Infringing Conduct

20. The present lawsuit arises from Defendants' manufacture, production, marketing, distribution, advertisement, offering for sale, and/or sale of footwear products and accessories that bear marks that are identical with, substantially indistinguishable from, or confusingly similar to one or more of the Goyard Marks (the "Accused Products"), exemplars of which are shown below:





AJ1 University Luxe Pack - Royal



AJ1 University Luxe Pack - White



AJ1 University Luxe Pack - Georgetown Blue



AJ1 University Luxe Pack - Black



AJ1 University Luxe Pack - Pine Green



AJ1 University Luxe Pack - UNC Blue



AJ1 University Luxe Pack - Varsity Red



AJ1 University Luxe Pack - Orange



Examples of Accused Products

21. Upon information and belief, Defendants are engaged in the manufacture, distribution, promotion, marketing, offer for sale, and/or sale of footwear products, accessories, and apparel, including the Accused Products, through their website (www.thesurgeon.com) and social media, primarily, Instagram (@thesurgeon), both of which are accessible to consumers throughout the United States, including those within this judicial district.

22. Upon information and belief, Defendants own and/or operate the above mentioned website and social media accounts. Mr. Chambrone has dubbed himself “The Surgeon” as in “The Shoe Surgeon” that Defendants do business as, and thus is a conscious, active, moving force behind the infringement described herein.

23. Defendants claim that the Accused Products are made with Goyard canvas material but such material is not obtained from Goyard, not provided to Defendants with

1 the knowledge or consent of Goyard, and are not verified as genuine by Goyard. The
2 canvas material used by Defendants which contain the Goyard Marks are not intended
3 or authorized for use by Defendants and are not intended or authorized for use as the
4 featured element of footwear or lighters created by Defendants who have no relationship
5 with Goyard.

6 24. Goyard has not granted a license or given Defendants any form of
7 permission to use intellectual property belonging to Goyard, including the Goyard
8 Marks, in any way. Defendants used the Goyard Marks on the Accused Products
9 without Goyard's permission.

10 25. In promoting and marketing the Accused Products on the
11 www.thesurgeon.com website, Defendants refer to the canvas material as "authentic"
12 and has used the GOYARD mark to identify the Accused Products. Nowhere do
13 Defendants identify that the Accused Products were created by Defendants without the
14 authorization of Goyard. There is no dispute that Defendants are aware of the exclusive
15 association between the Goyard Marks and Goyard, that goods bearing the Goyard
16 Marks are highly desirable and sought after, and that Defendants' use of the Goyard
17 Marks are intended to trade on the goodwill that Goyard has created in its mark through
18 decades of use in the United States and substantial investments.

19 26. Defendants' entire business is centered on combining popular athletic
20 shoes originating from Nike, Birkenstock, or New Balance for example, and combining
21 it with other famous products and trademarks such as from Louis Vuitton, Lanvin, and
22 Gucci. Some of these collaborations are believed to be legitimate and Defendants have
23 advertised them as such. However, Defendants have not received any consent or
24 authorization from Goyard to place its canvas material, or a copy of the same, on its
25 products. Goyard has never collaborated with Defendants. Notably, it is also
26 questionable as to whether the actual footwear is legitimate as Defendants also host a
27 "SRGN Academy" and "SRGN Studios" where Defendants teach members of the
28 public how to construct a Nike Air Jordan, for example. Accordingly, the infringement

1 exhibited by Defendants as to Goyard may be taught to other members of the public,
2 extending the reach of the infringement.

3 27. Defendants' advertising efforts, such as Instagram posts, focus greatly on
4 others well-recognized name brands, including Goyard, showing that Defendants are
5 targeting consumers who are unquestionably familiar with and who are seeking to
6 purchase goods bearing Goyard's iconic Goyardine canvas and Marks. In fact,
7 Defendants' Instagram has a whopping 1.1 million followers, further extending the
8 promotion of Defendants' infringement.

9 28. Upon information and belief, Defendants have also sold his products
10 wholesale to other retailers, such as Harrod's in London and Urban Necessities
11 www.urbanecessities.com, thereby further extending the infringement.

12 29. In June 2022, Goyard sent Mr. Chambrone a cease and desist letter
13 regarding his infringement of the Goyard Marks in connection with the Accused
14 Products. After receiving no response, Goyard sent follow up correspondence in July
15 2022. Again, no response was received to the correspondence, but the Accused
16 Products were removed from www.thesurgeon.com shortly thereafter.

17 30. In approximately late Summer/Fall 2023, Goyard discovered that the
18 Accused Products were placed back on the market with full force – Defendants
19 generated several Instagram posts and TikTok videos regarding the Accused Products,
20 and also offered the Accused Products for sale on Defendants' website,
21 www.thesurgeon.com. Rather than cease use of the Goyard Marks and the commercial
22 benefit Defendants reap from their use of the same, Defendants have made zero changes
23 to their recent product listings which contain no disclaimers regarding the lack of
24 authorization or affiliation with Goyard, and blatantly ignored Goyard's intellectual
25 property rights after being put on actual notice of Defendants' infringement.
26 Defendants do nothing to prevent consumers from mistakenly believing that the
27 Accused Products originate from, are authorized by, or are affiliated with Goyard.

1 31. Defendants' infringement has continued into May 2024 and upon
2 information and belief, is still continuing present day.

3 32. The Accused Products that Defendants sold and shipped to various
4 consumers within this District are very likely cause confusion for consumers, including
5 Plaintiff's customers, who, at the time of initial interest, sale, and/or in the post-sale
6 setting are led to believe that the Accused Products are genuine goods originating from,
7 associated with, and/or approved by Goyard due to the marks being identical,
8 substantially indistinguishable, or confusingly similar to the Goyard Marks.

9 33. Further, Defendants' other legitimate collaborations with other famous
10 brands suggest to consumers that Defendants may have a legitimate collaboration with
11 Goyard, when they do not, and further lends to consumer confusion in the initial interest,
12 sale, and/or post-sale setting. Upon information and belief, Defendants purposefully
13 omitted any disclaimers regarding the lack of affiliation with Goyard in order to trade
14 on Goyard's reputation and goodwill.

15 34. Regardless of whether Defendants use disclaimers or their own markings
16 on the Accused Products, in the post-sale context, the marks most prominently
17 displayed on the Accused Products are the Goyard Marks – identifying Goyard as the
18 source of the Accused Products. In the post-sale setting, there is nothing to alleviate
19 the confusion consumers will experience when they see the Goyard Marks on a Nike
20 shoe with The Shoe Surgeon's logos, incorrectly believing that Goyard has authorized
21 the use of its Marks by Nike or Defendants, or that Goyard collaborated with Nike or
22 Defendants.

23 35. Defendants, through the sale and offer to sell counterfeit and infringing
24 Goyard branded products, are directly, and unfairly, competing with Goyard's
25 economic interests in the State of California and causing Goyard harm and damage
26 within this jurisdiction.

27 36. Like many other famous trademark owners, Goyard suffers ongoing daily
28 and sustained violations of its trademark rights at the hands of counterfeiters and

1 infringers, such as Defendants herein, who wrongfully reproduce and counterfeit
2 Goyard's trademarks for the twin purposes of (i) duping and confusing the consuming
3 public and (ii) earning substantial profits. The natural and intended byproduct of
4 Defendants' actions is the erosion and destruction of the goodwill associated with the
5 Goyard name and Marks, and the destruction of the legitimate market sector in which
6 it operates.

7 37. In order to combat the indivisible harm caused by the combined actions of
8 Defendants and others engaging in similar conduct, each year Goyard expends
9 significant monetary resources in connection with trademark enforcement efforts.
10 Despite Goyard's attempts to resolve this matter amicably and without judicial
11 intervention, Defendants have persisted in the unlawful conduct described herein.

12 38. Upon information and belief, Defendants' use of the Goyard Marks is with
13 full and active knowledge of Goyard's exclusive rights to the Marks, with knowledge
14 of the iconic status of those Marks, and with knowledge that the Marks are associated
15 exclusively with products of Goyard. Indeed, Defendants were on actual notice of
16 Goyard's rights in the Goyard Marks when it received the cease and desist letter from
17 Goyard.

18 39. As a matter of law, Defendants were also on constructive notice of
19 Goyard's rights in the Goyard Marks based on Goyard's registrations that issued long
20 before Defendants' use of imitation marks for their own products.

21 40. Defendants' unauthorized use of the Goyard Marks is with a deliberate
22 intent to ride on the fame and goodwill of Goyard's brand and Marks, the deliberate
23 intent to profit from the Goyard Marks, and the deliberate intent to create a false
24 impression as to the source or sponsorship of Defendants' goods or to otherwise
25 compete unfairly with Goyard. The goodwill that Goyard has built up in its brand and
26 in the Goyard Marks through years of substantial investment and effort is put at risk by
27 virtue of Defendants' wholesale appropriation of the Goyard Marks to sell and advertise
28 their own competing products.

1 41. Defendants' acts have and are likely to continue to irreparably harm
2 Goyard's goodwill and reputation. Defendants' use of the Goyard Marks unfairly and
3 unlawfully wrests from Goyard control over its trademarks and reputation. Goyard has
4 no control over the quality of Defendants' products sold under or bearing the Goyard
5 Marks. As a result, Goyard's extremely valuable reputation is at risk.

6 42. Upon information and belief, Defendants' unlawful acts have misled and
7 confused, and were intended to cause confusion, or to cause mistake, or to deceive as
8 to the origin, affiliation, or association of the Accused Products with Goyard, and the
9 sponsorship or approval of the Accused Products by Goyard.

10 **FIRST CAUSE OF ACTION**

11 **(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114)**

12 43. Plaintiff incorporates by reference each and every one of the preceding
13 paragraphs as though fully set forth herein.

14 44. This is an action for trademark infringement and/or counterfeiting against
15 Defendants under 15 U.S.C. § 1114 based on their use of spurious and identical or
16 substantially distinguishable (i.e., counterfeit), or confusingly similar (i.e., non-
17 counterfeit), marks to the Goyard Marks in commerce, in connection with Defendants'
18 promotion, distribution, manufacturing, offer for sale, sale, marketing, and/or
19 advertising of the Accused Products.

20 45. The Goyard Marks are nationally recognized, including within the Central
21 District of California, as being affixed to goods and merchandise of the highest quality,
22 with Goyard being the exclusive source of all such products.

23 46. The specific U.S. registrations to the Goyard Marks identified herein are
24 in full force and effect, and each one has been in continuous use since their respective
25 first dates of use. Indeed, the specific U.S. registrations identified in paragraph 13 are
26 incontestable by virtue of their registrations and continuous use in commerce for more
27 than five years.
28

1 47. The Accused Products bear counterfeit marks that are identical or
2 substantially indistinguishable to the Goyard Marks based on how the marks appear in
3 the marketplace to a consumer. Upon information and belief, the marks on the Accused
4 Products are spurious. Goyard has not authorized or consented to the use of the Goyard
5 Marks. Due to the identical or substantially indistinguishable appearance of the marks
6 on the Accused Products compared to the Goyard Marks, consumers are likely to be
7 confused, mistaken, or deceived, as to the origin of the marks on the Accused Products.

8 48. The Accused Products bear marks that are confusingly similar to the
9 Goyard Marks based on how the marks appear in the marketplace to a consumer such
10 that it is likely to cause confusion, mistake, or deception as to the origin of the marks
11 on the Accused Products.

12 49. The identical or substantially indistinguishable or confusingly similar
13 marks on the Accused Products are likely to lead to and result in consumers believing
14 that Goyard produced, sponsored, authorized, licensed, or is otherwise connected or
15 affiliated with Defendants' commercial and business activities, all to the detriment of
16 Goyard.

17 50. Defendants' promotion, marketing, advertising, offering for sale, selling,
18 manufacturing, and/or distribution of the Accused Products and marks within is without
19 Goyard's permission or authority and in total disregard of Goyard's rights to control its
20 intellectual property.

21 51. Upon information and belief, Defendants' acts are deliberate and intended
22 to confuse the public as to the source of Defendants' goods or services and to injure
23 Goyard and reap the benefit of Goyard's goodwill associated with the Goyard Marks.

24 52. As a direct and proximate result of Defendants' infringing conduct, Goyard
25 has been injured and will continue to suffer injury to its business and reputation unless
26 Defendants are enjoined by this Court from advertising, selling, and offering for sale
27 products bearing the Goyard Marks that are not in fact authentic Goyard® products.

28 53. Goyard has no adequate remedy at law.

54. In light of the foregoing, Goyard is entitled to injunctive relief prohibiting Defendants from using any of the Goyard Marks, and/or any marks identical, substantially indistinguishable, or confusingly similar thereto, and to recover from Defendants all damages, including attorneys' fees, that Goyard has sustained and will sustain as a result of such infringing acts, and all gains, profits and advantages obtained by Defendants as a result thereof, in an amount not yet known, attorneys' fees and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

SECOND CAUSE OF ACTION

(False Designation of Origin and False Descriptions – 15 U.S.C. § 1125(a))

55. Goyard incorporates by reference each and every one of the preceding paragraphs as though fully set forth herein.

56. Defendants' unauthorized use of marks identical or substantially indistinguishable or confusingly similar to the Goyard Marks on its merchandise, in interstate commerce and advertising relating to same, constitutes false designation of origin and a false representation that the goods are manufactured, offered, sponsored, authorized, licensed by or otherwise connected with Goyard or come from the same source as Goyard's goods when they in fact do not.

57. Defendants' use of the Goyard Marks is without Goyard's permission or authority and in total disregard of Goyard's rights to control its trademarks. Defendants' use of the Goyard Marks in connection with their own products destroys the value, exclusivity, and reputation of the Goyard Marks.

58. Defendants' activities are likely to lead to and result in confusion, mistake, or deception, and are likely to cause the public to believe that Goyard has produced, sponsored, authorized, licensed or is otherwise connected or affiliated with Defendants' commercial and business activities, all to the detriment of Goyard.

59. Goyard has no adequate remedy at law.

1 60. In light of the foregoing, Goyard is entitled to injunctive relief prohibiting
2 Defendants from using any of the Goyard Marks, and/or any marks identical,
3 substantially indistinguishable, or confusingly similar thereto, and to recover from
4 Defendants all damages, including attorneys' fees, that Goyard has sustained and will
5 sustain as a result of such infringing acts, and all gains, profits and advantages obtained
6 by Defendants as a result thereof, in an amount not yet known, attorneys' fees and treble
7 damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or
8 statutory damages pursuant to 15 U.S.C § 1117(c).

9 **THIRD CAUSE OF ACTION**

10 **(Unfair Competition in Violation of Cal. Bus. & Prof. Code § 17200 et seq.)**

11 61. Plaintiff incorporates by reference each and every one of the preceding
12 paragraphs as though fully set forth herein.

13 62. The Goyard Marks are strong and distinctive marks that have been in use
14 for decades in the United States and have achieved enormous and widespread public
15 recognition.

16 63. Through prominent, long, and continuous use in commerce, the Goyard
17 Marks have become and continue to be famous and distinctive in the State of California.

18 64. Defendants' misappropriation of the Goyard Marks was intended to
19 capitalize on Goyard's goodwill for Defendant's own pecuniary gain.

20 65. Defendants' unauthorized use of the Goyard Marks dilutes the distinctive
21 quality of the Goyard Marks and decreases the capacity of such marks to identify and
22 distinguish Goyard's products and has caused a likelihood of harm to Goyard's business
23 reputation.

24 66. By the acts described above, Defendants have caused and will continue to
25 cause irreparable injury to Goyard's goodwill and business reputation, in violation of
26 Cal. Bus. & Prof. Code § 17200 et seq.

27 67. Upon information and belief, Defendants have made and will continue to
28 make substantial profits and gains to which they are not in law or equity entitled.

1 68. Defendants are liable to Goyard for all damages, whether direct or indirect,
2 for the misappropriation of Goyard's trademarks, reputation and goodwill, which
3 damages are subject to trebling.

4 69. Upon information and belief, Defendants will continue their infringing acts
5 unless restrained by this Court.

6 70. Defendants' acts have damaged and will continue to damage Goyard, and
7 Goyard has no adequate remedy at law.

8 71. In light of the foregoing, Goyard is entitled to all available relief provided
9 for in California Unfair Business Practices Act, Cal. Bus. & Prof. Code, § 17200, et.
10 seq. including permanent injunctive relief, restitution, and attorneys' fees and costs.

11 **FOURTH CAUSE OF ACTION**

12 **(Common Law Trademark Infringement and Unfair Competition)**

13 72. Goyard incorporates by reference each and every one of the preceding
14 paragraphs as though fully set forth herein.

15 73. Goyard owns and enjoys common law trademark rights to the Goyard
16 Marks in California and throughout the United States.

17 74. Defendants' misappropriation of Goyard's common law trademarks was
18 intended to capitalize on Goyard's goodwill for Defendants' own pecuniary gain.
19 Goyard has expended substantial time, resources, and effort to obtain an excellent
20 reputation for itself and its family of Marks. As a result of Goyard's efforts, Defendants
21 are now unjustly enriched and are benefiting from property rights that rightfully belong
22 to Goyard.

23 75. Defendants' unauthorized use of the Goyard Marks has caused and is likely
24 to cause confusion as to the source of Defendants' products due to the marks appearing
25 identical, substantially indistinguishable, or confusingly similar to the Goyard Marks,
26 all to the detriment of Goyard.

27 76. Defendants' acts are willful, deliberate, and intended to confuse the public
28 and to injure Goyard.

1 b. engaging in any other activity constituting unfair competition with
2 Goyard, or acts and practices that deceive consumers, the public,
3 and/or trade, including without limitation, the use of designations
4 and design elements associated with Goyard;

5 c. committing any other act which falsely represents or which has the
6 effect of falsely representing that the goods and services of
7 Defendants are licensed by, authorized by, offered by, produced by,
8 sponsored by, or in any other way associated with Goyard;

9 2. Entry of an ORDER directing Defendants to recall from any distributors
10 and retailers and to deliver to Goyard for destruction, or other disposition, all remaining
11 inventory of the Accused Products, in addition to any other goods that infringe upon
12 Goyard's rights to the Goyard Marks, including all advertisements, promotional and
13 marketing materials therefore, as well as means of making same in their possession or
14 under their control;

15 3. Entry of an ORDER directing Defendants to disclose their supplier(s) and
16 manufacturer(s) of the Accused Products and provide all documents, correspondence,
17 receipts, and invoices associated with the purchase of the Accused Products;

18 4. Entry of an ORDER directing Defendants to file with this Court and serve
19 on Goyard within thirty (30) days after entry of the injunction a report in writing, under
20 oath setting forth in detail the manner and form in which Defendants have complied
21 with the injunction;

22 5. Entry of an ORDER for an accounting by Defendants of all gains, profits,
23 and/or advantages derived from their infringing acts pursuant to 15 U.S.C. § 1117(a);

24 6. An award of all profits that Defendants have derived from using the
25 Goyard Marks, trebled, as well as costs and attorneys' fees to the full extent provided
26 for by Section 35 of the Lanham Act; alternatively, an award of statutory damages
27 pursuant to 15 U.S.C. § 1117 up to \$2 million per trademark counterfeited and infringed,
28 per type of good;

- 1 7. An award of enhanced damages due to Defendants' willful infringement;
- 2 8. An award of applicable interest amounts, costs, disbursements, and/or
- 3 attorneys' fees, as an exceptional case under 15 U.S.C. § 1117 or otherwise;
- 4 9. An award of fees and punitive damages to the full extent available in
- 5 connection with Goyard's claims under California law; and
- 6 10. Any such other relief that may be just and proper.
- 7

8 Dated: June 6, 2024

BLAKELY LAW GROUP

9 By: /s/ Tara A. Currie
10 Brent H. Blakely
11 Tara A. Currie
12 ***Attorneys for Plaintiff***
13 ***Goyard St-Honore***
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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Goyard St-Honore hereby demands a trial by jury as to all claims in this litigation.

Dated: June 6, 2024

BLAKELY LAW GROUP

By: /s/ Tara A. Currie
Brent H. Blakely
Tara A. Currie
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Goyard St-Honore